

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

This paper responds to the Notification of Non-Compliant Appeal Brief dated October 10, 2008 for the above-referenced application. The Patent Appeals Specialist takes the position that the Appeal Brief is non-compliant because “the brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.” Specifically, “The heading Related Proceeding(s) Appendix is missing from brief. The entire brief is not required for this correction.”

As described on page one of Applicant's Appeal Brief:

There are no other appeals or interferences known to Appellant, Appellant's legal representative or Appellant's assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Therefore, it is impossible to provide such decisions in an appendix.

However, it appears from the Notification that the Patent Appeals Specialist requires that an empty appendix be filed. For that reason, attached is an empty appendix.

Respectfully submitted,
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RELATED PROCEEDINGS APPENDIX

NONE